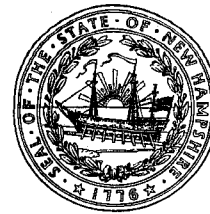




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

LETTER OF DEFICIENCY
WD WQE 06 - 001
May 5, 2006

Charles G. Bolianites
92 Magnum Drive
Laconia, New Hampshire 03246

RE: Laconia Tax Map 188 Lot 2
Laconia, New Hampshire
Violations of RSA 485-A:17 and RSA 482-A

Dear Mr. Bolianites:

The Department of Environmental Services ("DES") conducted an inspection of your property on April 27, 2006 to determine compliance with RSA 485-A:17, Alteration of Terrain. The parcel located on Magnum Drive, Laconia, New Hampshire, is more particularly identified on Laconia Tax Maps as Map 188 Lot 2 ("the Property").

During the inspection DES personnel observed the following:

- a. A wetland (intermittent stream) crossing had been installed on the Property without a permit from DES;
- b. Some erosion control measures had been installed on the Property, but an area adjacent to a man-made pond was eroding and no erosion control measures were in place;
- c. A fill area in excess of 100,000 sq.ft. was not stabilized and erosion of unstable soils had taken place;
- d. An intermittent stream on the Property appears to have been diverted;
- e. Drainage ditches along the driveway leading to the house were unstable.

A review of DES records shows that neither a standard "Dredge and Fill" permit application nor an "Alteration of Terrain" (site specific) permit application had been submitted by you for the activities on the Property described above.

In response, you are requested to take the following action:

1. **Immediately stabilize the Property** and install erosion control measures as necessary to protect surface water quality and prevent erosion; and, remove all sediment from all drainage structures;

2. **Within 7 days of the date of this Letter of Deficiency**, prepare an erosion and sediment control plan ("Plan") for the Property, and submit said Plan to DES for review. The Plan shall include, at a minimum, approximate locations of existing erosion control measures, proposed erosion control measures, extents of grading and filling, general drainage pattern, and surface waters and wetlands. The Plan shall also include a schedule for implementing the measures described in the Plan.
3. **Within 15 days of the date of this Letter of Deficiency**, implement the Plan on the Property, as approved by DES, in accordance with the approved schedule.
4. **Within 30 days of the date of this LOD**, submit a Dredge and Fill application to the Wetlands Bureau for the unpermitted stream crossing, and submit a restoration plan for portions of the stream that were diverted.
5. **Within 30 days of the date of this LOD**, submit an Alteration of Terrain application to DES. The application shall be prepared by an engineer licensed in the State of New Hampshire, and in accordance with Env-Ws 415.05. The application shall include:
 - a. A limited as-built grading and drainage plan (following completion of work), with 5-foot topographic contours of the altered areas underlaid by the 1989 survey and the location of storm water management structures.
 - b. An existing conditions plan of the 1989 survey;
 - c. A limited drainage analysis demonstrating pre and post peak runoff rates from the altered area using the rational equation or SCS graphical peak discharge method.

DES believes that the cited deficiencies can be corrected within the time periods established within this LOD. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 485-A may result in enforcement by DES, including, but not limited to, the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties.

Submit your plans and reports to:

Ana Ford Herrero
Land Resources Management
Department of Environmental Services
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this Letter of Deficiency, please call me at (603) 271-3380.

Sincerely,

 **COPY**

Ana Ford Herrero
Compliance Specialist
Site Specific Program

ec: Gretchen R. Hamel, DES Legal Unit Administrator
James Martin, DES Public Information Officer
Michael Redding, P.E., GEO Insight Inc.
Laconia Planning Board

cc: Laconia Conservation Commission